

CLAUDETTE BOOTHE

Civil Action No. 16-CV-900

-against-

ROSSROCK FUNDS II LP, FLUSHING SAVINGS BANK,
JAMES ROSS, JAMES H. ROSS, JASPAN SCHLESINGER LLP
"GILL CASTRO" known as "GILL CASTRO", FRANK DELL' AMORE,
KEVIN ETZEL, GREGORY CERCHIONE, ET AL, JOHN DOES1-100, all
Persons unknown, claiming any Legal or equitable right, title, estate,
Lien, or interest in the property Described in the complaint adverse
to plaintiff's title or any cloud On plaintiff's title thereto,

Defendants

Affidavit of Service
FIRST AMENDED COMPLAINT
Amended Summons

FILED

2016 MAR 22 PM 11:21

CLERK
U.S. DISTRICT COURT
E.D.N.Y.

COMPLAINT
ons

STATE OF NEW OF NEW YORK

SS:

COUNTY OF KINGS

Lancelot Favorite, being duly sworn, says:

I am a Licensed Process Server License # 1233899.

I am not a party to the action and am over 18 years of age. I have a place of business in Brooklyn, NY County of Kings 11203.

On March 17, 2016 I mailed a copy of Amended Summons and First Amended Complaint to Gregory Cerchione at 150 Broadway, 23rd Floor NY, NY 10038 in a sealed envelope with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of place of business of defendant by Certificate of Mailing.

Lancelot Favorite
License # 1233899

Sworn to before me
10th Day of March 2016
2/8/21
 Notary





Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

From:

L. FAVORELLE
269 E 40th St
BKlyn NY 11203

To:

Gregory Cerchione
1501 Broadway 23rd Fl
NY, NY 10038

PS Form 3817, April 2007 PSN 7530-02-000-9065

U.S. POSTAL
PAID
BROOKLYN,
11221
MAR 17, 18
AMOUNT
\$13
00108728-0



1000

CLAUDETTE BOOTH

Plaintiff(s) Petitioner(s)

Calendar No.

ROSS ROCK FUND II LP, against
GIL CASTRO, known as GIL CASTRO, FRANK DELL'AMORE, KEVIN ETZEL, GREGORY CERCHIONE
Defendant(s) Respondent(s)

AFFIDAVIT
OF
SERVICE

STATE OF NEW YORK, COUNTY OF:

KINGS

SS.:

MICHAEL PAUL

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at

214 BUFFALO AVENUE
BROOKLYN NY 11213

On _____ at _____ M., at _____
deponent served the within ☐ summons ☐ with notice ☐ summons, Spanish summons and complaint, the language
☐ summons and complaint ☐ notice of petition and petition required by NYCRR 2900.2(e), (f) & (h) was set forth on
☐ subpoena duces tecum ☐ subpoena on the face of the summons(es)
☐ citation ☐

on ☐ defendant ☐ witness { hereinafter called } therein
☐ respondent ☐ the recipient named

INDIVIDUAL ☐ by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as
1. ☐ said recipient therein.

CORPORATION ☐ a corporation, by delivering thereat a true copy of each to
2. ☐ personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said
individual to be thereof.

SUITABLE AGE PERSON ☐ by delivering thereat a true copy of each to
3. ☐ discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.
AFFIXING TO DOOR, ETC. ☐ by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place
4. ☐ ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age
and discretion, thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 ☐ Deponent talked to _____ at said premises who stated that recipient ☐ lived ☐ worked there.
5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
at recipient's last known residence, at _____ and deposited
said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 ☒ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly
5B. ☒ addressed to recipient at recipient's actual place of business, at _____ in an official depository under the exclusive care and custody of the U.S. Postal Service
within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof,
by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION ☐ ☐ Male ☐ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features: MAILED CERTIFICATE OF MAILING &
VERIFIED COMPLAINT FOR DAMAGES.

WITNESS FEES ☐ \$ the authorized traveling expenses ☐ was paid (tendered) to the recipient
and one day's witness fee: ☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE ☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity
whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information
and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not
in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 3/14/2016

[Signature]

KAMAL P. SONI
Notary Public, State of New York
No. 01SO6089949
Qualified in Kings County
Commission Expires March 31, 2019

[Signature]

License No.



Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: MICHAEL PAUL
90 Claudette Boothe
214 BUFFALO AVE
BKLYN NY 11213
To: GREGORY CERCHI
150 BROADWAY
NY, NY 10038
REFEREE

PS Form 3817, April 2007 PSN 7530-02-000-9065

U.S. POSTAGE
PAID
BROOKLYN, NY
11201
MAR 14 18
AMOUNT

\$1.35
R2304H107857-25



100

**DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF NEW YORK**

CLAUDETTE BOOTHE

Plaintiff,

Civil Action No. 16-CV-900

-against-

**Affidavit of Service
SUMMONS IN A CIVIL ACTION**

ROSSROCK FUNDS II LP, FLUSHING SAVINGS BANK,
JAMES ROSS, JAMES H. ROSS, JASPAN SCHLESINGER LLP
"GILL CASTRO" known as "GILL CASTRO", FRANK DELL' AMORE,
KEVIN ETZEL, GREGORY CERCHIONE, ET AL, JOHN DOES1-100, all
Persons unknown, claiming any Legal or equitable right, title, estate,
Lien, or interest in the property Described in the complaint adverse
to plaintiff's title or any cloud On plaintiff's title thereto,
Defendants

STATE OF NEW YORK

ss:

COUNTY OF KINGS

Lancelot Favorite, being duly sworn, says:

I am a Licensed Process Server License # 1233899.

I am not a party to the action and am over 18 years of age. I have a place of business in Brooklyn, NY
County of Kings 11203.

On March 8, 2016 at 1:08pm at 150 Broadway 23rd Floor NY, NY 10038 I served a copy of Summons
in a Civil Action on Gregory Cerchione by living a copy with Christine Hernandez who stated she was
authorized to receive service on behalf of Mr. Gregory Cerchione.

Deponent describes the individual served as follows:

Sex	Height	Weight	Age	Color of Skin	Color of Hair
Male	Under 5'	Under 100 Lbs.	18-20 Yrs.	Describe Color	x Black White
X Female	5'0 - 5'3	100 - 130	21- 35 Yrs.	Tan	Brown Balding
	X 5'4 - 5'7	x 131 - 160	36 - 50 Yrs.		Blond Bald
	5'8 - 6'0	161 - 200	51 - 64 Yrs.		Gray Red
	Over 6'	Over 200 Lbs.	Over 65 Yrs.		Unknown

Age 30 - 27 yrs

On March 10, 2016 I mailed a copy in a sealed envelope with postage prepaid thereon, in a post office or official
depository of the U.S. Postal Service within the State of New York, addressed to the last known address of place of
business of defendant by Certificate of Mailing.

Lancelot Favorite
License # 1233899

Sworn to before me
14th Day of March 2016

Notary

TYRONE STANFORD HAWKER
Notary Public, State of New York
No. 01HA6324037
Qualified in Kings County
Commission Expires May 04, 2019

FILED
2016 MAR 22 PM 11:16
U.S. DISTRICT COURT
E.D.N.Y.
AFTER HOURS DROP BOX

**DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF NEW YORK**

CLAUDETTE BOOTHE

Plaintiff,

Civil Action No. 16-CV-900

-against-

**Affidavit of Service
FIRST AMENDED COMPLAINT**

ROSSROCK FUNDS II LP, FLUSHING SAVINGS BANK,
JAMES ROSS, JAMES H. ROSS, JASPAN SCHLESINGER LLP
"GILL CASTRO" known as "GILL CASTRO", FRANK DELL' AMORE,
KEVIN ETZEL, GREGORY CERCHIONE, ET AL, JOHN DOES1-100, all
Persons unknown, claiming any Legal or equitable right, title, estate,
Lien, or interest in the property Described in the complaint adverse
to plaintiff's title or any cloud On plaintiff's title thereto,

Defendants

STATE OF NEW OF NEW YORK

SS:

COUNTY OF KINGS

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County of Kings 11203.

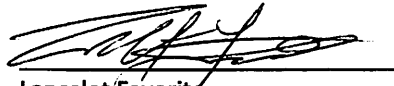
On March 8, 2016 at 1:08pm at 150 Broadway 23rd Floor NY, NY 10038 I served a copy of First
Amended Complaint on Gregory Cerchione by living a copy with Christine Hernandez who stated she
was authorized to receive service on behalf of Mr. Gregory Cerchione.

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	Over 6'	Over 200 Lbs.	Over 65 Yrs.		Unknown

Age 30 - 27 yrs

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depository of the U.S. Postal Service within the State of New York, addressed to the last known address of place of
business of defendant by Certificate of Mailing.


Lancelot Favorite
License # 1233899

Sworn to before me
Day of March 2016
3 8 2016
Notary

TYRONE STANFORD HAWKER
Notary Public, State of New York
No. 01HA6324037
Qualified in Kings County
Commission Expires May 04, 2019

COPY

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

CLAUDETTE BOOTHE

Plaintiff(s)

v.

Civil Action No. 16-CV-900 (PKC)(RML)

SEE NEXT PAGE FOR LIST OF DEFENDANTS

Defendant(s)

AMENDED
SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

SEE NEXT PAGE FOR LIST OF DEFENDANTS AND THEIR
CORRESPONDING ADDRESSES

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

PRO SE:
CLAUDETTE BOOTHE
3221 Church Avenue
Brooklyn, NY 11226

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAR 08 2016

Date: _____

DOUGLAS C. PALMER
CLERK OF COURT

Ralph Vega, Jr.
Ralph Vega, Jr.,

Signature of Clerk or Deputy Clerk

LIST OF DEFENDANTS

**Rossrock Funds II LP; Flushing Savings Bank;
James Ross; Gill Castro; Gregory Cerchione;
Jaspan Schlesinger LLP; Frank Dell' Amore
and Kevin Etzell**

FILED

2016 MAR 22 PM 11:16

U.S. DISTRICT COURT

LIST OF DEFENDANTS
and CORRESPONDING MAILING ADDRESSES

**Rossrock Funds II LP
150 East 52 St.
27th Floor
New York, NY 10022**

**Flushing Savings Bank
220 RXP Plaza of Uniondale
Uniondale, NY 11556**

**James Ross
c/o Rossrock Fund II LP
150 East 52 St.
27th Floor
New York, NY 10022**

**Gill Castro
Rossrock Fund II LP
150 East 52 St.
New York, NY 10022**

**Gregory Cerchione
c/o 291 Broadway 9th Floor
New York, NY 10001**

**Jaspan Schlesinger LLP
300 Garden City Plaza
5th Floor
Garden City, NY 11530**

**Frank Dell' Amore
300 Garden Cvity Plaza
5th Floor
Garden City, NY 11530**

**Kevin Etzell
300 Garden City Plaza
5th Floor
Garden City, NY 11530**

2016 MAR 22 PM 11:16

FILED

U.S. COURT OF APPEALS
SECOND CIRCUIT